

DUI FIRST OFFENDERS DIVERSION PROGRAM (FODP) INFORMATION SHEET PROGRAM PARTICIPATION

You are eligible for this program only if you have no criminal record, your breath test is below a .150, and you did not refuse a breath, blood, or urine test, and you were not involved in an accident.

Phase I

- Driver's license may be picked up by Participant from the Jefferson County Attorney's Office in the Hall of Justice on the 2nd floor (600 W. Jefferson St.) between 8:00 am and 4:00 pm, Monday - Friday, after the date given to the Participant.
- Within 30 days of entry into the First Offenders Diversion Program (FODP), pay by check or money order the \$300 FODP fee in full to the Jefferson County Attorney's Office. Cash will NOT be accepted for this fee.
- Attend a four (4) hour Impact Session on the designated date, 12:00-4:00 pm (check-in begins at 11:30 am).
- Within three months of entry into the FODP, complete the alcohol/drug assessment and the recommended alcohol education program at a designated and approved provider. Participant will receive a list of approved providers and pay the appropriate fees to the provider.
- Within three months of entry into the FODP, complete 40 hours of volunteer work at any designated and approved governmental or charitable organization on the list provided by the program.
- Court Review Date: Is Participant in compliance, three months from FODP entry date?

Phase II

- Within nine months of entry into the FODP, complete 12 hours of community labor at approved events.
- Attend the annual MADD Candlelight Vigil. Participants are expected to assist MADD before and after the Vigil. As the Vigil will be held at Lakeside Baptist Church, 11412 Taylorsville Road, Jeffersontown KY 40299, appropriate dress and decorum are expected. Failure to attend or being late to the Vigil will result in termination from the program, or under extraordinary circumstances, you may be required to attend the Vigil the next year and all terms and conditions of the FODP will be extended by one year.
- If the Participant fails to complete any listed requirements or receives any new charges while completing the FODP, the FODP agreement will be terminated, and the case will be returned to court for formal sentencing. The Director of the FODP reserves the right to impose appropriate sanctions in lieu of termination from the FODP based on the nature of the new offense or lack of compliance; appropriate sanctions may include: additional volunteer work, additional community labor, doing any Phase I or Phase II requirement a second time, etc. If the Participant is charged with a new DUI charge, then the FODP agreement will be terminated and the Participant agrees to be sentenced on the original Dill

charge to a \$500,00 Fine, a \$325 Service Fee, court costs, an alcohol education program, 120-day operator's license suspension and thirty days to serve in the Jefferson County Jail. The Participant will then be prosecuted as usual for DUI second offense on the new DUI charge.

- Inappropriate dress, behavior, or language will NOT be tolerated.
- Completion of Program—guilty plea is set aside and the DUI case is dismissed with a stipulation of probable cause and with an agreement that the dismissal will not be expunged for a period of two years from the date of Defendant's dismissal.
- QUESTIONS? Call Emily O'Bryan, DUI Coordinator at (502) 574-8567, Monday-Friday, 8:00 am-5:00pm.

Revised 2/14/06

WARNING:

If you are charged with another DUI, then you agree to be sentenced to a \$500.00 fine, a \$375.00 service fee, a 120-day operator's license suspension, an alcohol education program and a thirty (30) day jail sentence on the original DUI, and the new DUI will be prosecuted as a second offense.

DUI FIRST OFFENDERS DIVERSION PROGRAM

According to my plea agreement with the Commonwealth of Kentucky, my guilty plea to DUI on the above noted case will be set aside upon completion of ALL eight (8) requirements listed below. I agree that I will not seek to expunge any records associated with my DUI case for a period of two (2) years from my dismissal date. I agree that the Commonwealth of Kentucky can use the existence of my DUI case, and any allegations and records therefrom, in any subsequent criminal proceeding unless the case is expunged. If I fail to complete any listed requirement or receive any other charge(s), then my DUI First Offenders Diversion will be terminated and my case will be returned to court for formal sentencing. The Director of the FODP reserves the right to impose appropriate sanctions in lieu of termination from the FODP based on the nature of the new offense or lack of compliance.

If I am charged with another DUI, then I agree to be sentenced to a \$500.00 fine, a \$375.00 service fee, a 120-day operator's license suspension, an alcohol education program and a thirty day jail sentence on the original DUI, and the new DUI will be prosecuted as a second offense.

1. I plead guilty to a DUI charge for an offense that occurred on _____ because I was operating a motor vehicle in Jefferson County Kentucky with an alcohol concentration level of _____.

2. I surrender my operator's license to the Program for a period of _____ days and will not operate any motor vehicle during that time. I agree not to apply for a duplicate operator's license in Kentucky and I agree that I will not apply for an operator's license from any other jurisdiction.

3. I will attend a 5-hour impact session on _____, 2010

4. Within thirty-days of my entry into the Program, I will pay in person by check or money order the \$300.00 Program fee to the Jefferson County Attorney's Office. Cash will NOT be accepted for this fee.
5. Within three months of my entry into the Program, I will complete the alcohol/drug use assessment and the recommended alcohol education program at a designated and approved provider. I further agree to pay any and all fees due the alcohol education program provider within thirty days of its completion.
6. Within three months of my entry into the Program, I will complete forty hours of volunteer work at any designated and approved governmental or charitable organization.
7. Within nine months of my entry into the Program, I will complete twelve hours of community labor at approved events. I agree that a member of the JCA's Staff will supervise this community labor requirement and that a supervising staff member of the Program solely will determine successful completion of this requirement.
8. I agree that I will attend the annual MADD Candlelight Vigil, which is held the First Monday of December.

DEFENDANT SIGNATURE

GUARDIAN (When defendant is under age 18) _____

DEFENSE ATTORNEY SIGNATURE

ASST. COUNTY ATTORNEY SIGNATURE

PRESIDING JUDGE SIGNATURE

REFERRAL DATE: _____, 2010

REVIEW DATE: _____, 2010